IN RE: PETITION FOR ZONING VARIANCE NE/S Reisterstown Road, 35' NW of the c/l of Chartley Blvd. \* DEPUTY ZONING COMMISSIONER 4th Election District 3rd Councilmanic District

OF BALTIMORE COUL. \* Case No. 89-404-A

. . . . . . . . . . .

Chartley Limited Partnership Petitioners

FINDINGS OF FACT AND CUCLUSIONS OF LAW

The Petitioners herein request a variance to permit a sign of 576 sq.ft. total (288 sq.ft. per side) in lieu of the maximum permitted 300 sq.ft., in accordance with Petitioner's Exhibit 1.

The Petitioners, by Steven Erlanger, General Manager, and Mary Pat Baxter, in-house Counsel, appeared, testified and were represented by S. Eric DiNenna, Esquire. Also appearing on behalf of the Petition were Bert Sommer with Triangle Signs, and Bob Spellman of Spellman, Larson and Associates. There were no Protestants.

Testimony indicated that the subject property consists of 14.99 acres more or less, zoned B.M.-C.C.C., and is improved with retail stores originally known as the Chartley Shopping Center and now known as Chartley Park Plaza. Testimony indicated the shopping center has existed at the subject location since the mid-1950s. Pursuant to a special exception and variance granted in Case No. 76-188-XA, Petitioners were granted an outdoor advertising sign and variances to permit a multi-faced shopping center identification sign of 218 sq.ft. per side. Testimony presented by Petitioner's witnesses indicated that the existing sign, which has existed on the property since prior to the issuance of the 1976 Order, is 300 sq.ft. per side.

PETITION FOR ZONING VACANCE

The undersigned regal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a

Variance from Section 413.2 e to permit a sign of 576 sq. ft. total in

lieu of 300 sq. ft. (288 sq. ft. per side)

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tracket was the converted by the converted parties arithmers County this in the con-

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

1) Needed identification for Center

409 Washington Ave. Suite 600

Towson, Maryland 21204

2) Distance from high speed road from Center

3) Such other reasons to be presented at time

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

Testimony indicated the Petitioners acquired the property in 1986 and that at that time, there were numerous vacancies and the need for extensive repair. Testimony and pictures presented verified the extensive renovations undertaken by Petitioner to upgrade the property and increase the occupancy ratio. Petitioners argued the requested variance is necessary to modernize the sign and provide adequate identification for tenants in the premises. Testimony presented by Petitioners indicated the proposed sign is very critical due to the layout of the stores facing Chartley Boulevard rather than the main entrance of traffic from Reisterstown Road. Petitioners argued that the granting of the variance will not result in any detriment to the health, safety or general welfare of the community. Petitioners further argued that since their acquisition of the property,

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

the shopping center has, in fact, been an improvement to the community.

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this \_\_\_\_\_ day of May, 1989 that the Petition for Zoning Variance to permit a sign of 576 sq.ft. total (288 sq.ft. per side) in lieu of the maximum permitted 300 sq.ft., in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petiticiers may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) The variance granted herein is limited to one sign totalling 576 sq.ft. of the character and design as set forth in Petitioner's Exhibit 2.
- 3) Prior to the issuance of any permits, Petitioners shall submit a landscaping plan for approval by the Baltimore County Landscape Planner. Said plan shall include landscaping around the base of the sign and Reisterstown Road as deemed appropriate by the Landscape Planner, whether or not strictly required by the County Landscaping Manual.

ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

(301) 887-3353 J. Robert Haines

Case No. 89-404-A

Baltimore County

Office of Planning & Zoning

Towson, Maryland 21204

S. Eric DiNenna, Esquire 409 Washington Avenue, Suite 600 Towson, Maryland 21204

Dennis F. Rasmussen
County Executive RE: PETITION FOR ZONING VARIANCE NE/S Reisterstown Road, 35' NW of the c/l of Chartley Boulevard 4th Election District - 3rd Councilmanic District Chartley Limited Partnership - Petitioners

Dear Mr. DiNenna:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

A MNatawia

ANN M. NASTAROWICZ Deputy Zoning Commissioner

17 W. PA. AVE. 21204

pa. Ave 21204

17 W. Pa, Ave 21204

3343 WASA, BLYS. - 21-217

for Baltimore County

cc: People's Counsel

AMN:bjs

PLEASE PRINT CLEARLY

MARY PAT BAXTER

BERT SOMMER

gleven Erlangerwood Man

SPELLMAN LAREON & ASSOCIATES INC.

SUITE 107 - JEFFERSON BUILDING

JOSEPH L. LARSON HENRY M. APPEL ALFRED F. JUNGERS, P.L.S.

ROBERT E. SPELLMAN. P.L.S.

105 W. CHESAPEAKE AVENUE TOWSON, MARYLAND 21204

DESCRIPTION FOR A VARIANCE TO ZONING, CHARTLEY SHOPPING CENTER, REISTERSTOWN ROAD & CHARTLEY BOULEVARD, FOURTH DISTRICT, BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point on the Northeast side of Reisterstown Road, 66 feet wide, at the end of the cutoff connecting the Northeast side of Reisterstown Road and the Northwest side of Chartley Boulevard, 70 feet wide, and running thence and binding on the Northeast side of Reisterstown Road North 43 Degrees 40 Minutes 45 Seconds West 225.53 feet thence leaving the Northeast side of Reisterstown Road and running North 46 Degrees 19 Minutes 35 Seconds East 125.00 feet North 43 Degrees 40 Minutes 45 Seconds West 139.69 feet North 51 Degrees 21 Minutes 05 Seconds East 307.78 feet North 33 Degrees 18 Minutes 08 Seconds West 115.58 feet North 05 Degrees 38 Minutes 04 Seconds West 330.00 feet North 83 Degrees 44 Minutes 09 Seconds East 803.38 feet South 06 Degrees 15 Minutes 51 Seconds East 81.46 feet South 67 Degrees 45 Minutes 51 Seconds East 195.87 feet Southeasterly by a curve to the right with a radius of

RESIDENTIAL & COMMERCIAL DEVELOPMENT DESIGN . LAND SURVEYING LAND PLANNING . SUBCIVISION LAYOUT . FEASIBILITY STUDIES . ESTIMATING GRADING STUDIES . LOCATION SURVEYS . TECHNICAL CONSULTATION

ZONING ADVISORY HEARING COMMENTS OFFICE OF PLANNING HEARING 4/14/89

/Case # 89-404-A

The Petitioner requests a variance to allow a shopping center I.D. sign of 576 square feet in lieu of the permitted 300 square feet. In reference to this request staff provides the following comments:

The Office of Planning has been attempting to upgrade our commercial corridors through a concentrated effort of upgrading the quality of development using the elements listed below:

- streetscape: walkways, street trees, and incrased landscaping; - screening: interior parking lot landscaping, buffering of adjoining properties and increased shade trees around paved
- signage: signage in conformance with zoning laws or adopted corridor plans.
- It is proved that the proliferation of corridor signage reduces the project's visibility to customers, as well as decreasing the visual

aesthetics of the corridor. Based upon the analysis conducted and information provided, staff recommends denial of the applicant's request. If the application is considered for approval, upgraded streetscape along both Reisterstown Road and Chartley Boulevard and interior landscaping should be

transit service amenities as per the "Access by Design" program.

required to mitigate the increased signange. Internal illumination should not be permitted. In addition, the Petitioner should contact Chris Wells, Transit Services Planner with MTA at 333-2875 regarding possible inclusion of CHARTLEY BOULEVARD

of hearing Property is to be posted and advertised as prescribed by Zoming Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County. I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Legal Owner(s): Contract Purchaser: Chartley Limited Partnership (Type or Print Name) I DATE\_\_\_\_ c/o Continental Realty Colo 17 West Pennsylvania Avenue Eric DiNenna Towson, Maryland 21204

409 Washington Ave., Suite 600 19 2, that the subject matter of this petition be advertised, as equired by the Zoming Law of Baktimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoming commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore

tract purchaser or representative to be contacted

S. Eric DiNenna



LACHMANS AID

TRUE VALUE

The Body Shop Best Fabrics Napoli's Pizza Optical Solution Silk's Cleaners **Executive Travel Center Chartley Barber** Lion Distributing Diet Workshop Chartley Coiffeures

Aid Dreg

Chartley Liquors

First National Bank

Raimondi's Florist King Video Consolidated Cards Gifts and Candy Hi-Gear District TV Service The Shutter Bug Ceeco Vending Sud's and Scissors A-1 Driving School Bene, Inc. True Value Triple E J's Subs

PETITIONER'S EXHIBIT 2

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

NOTICE OF HEARING



The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

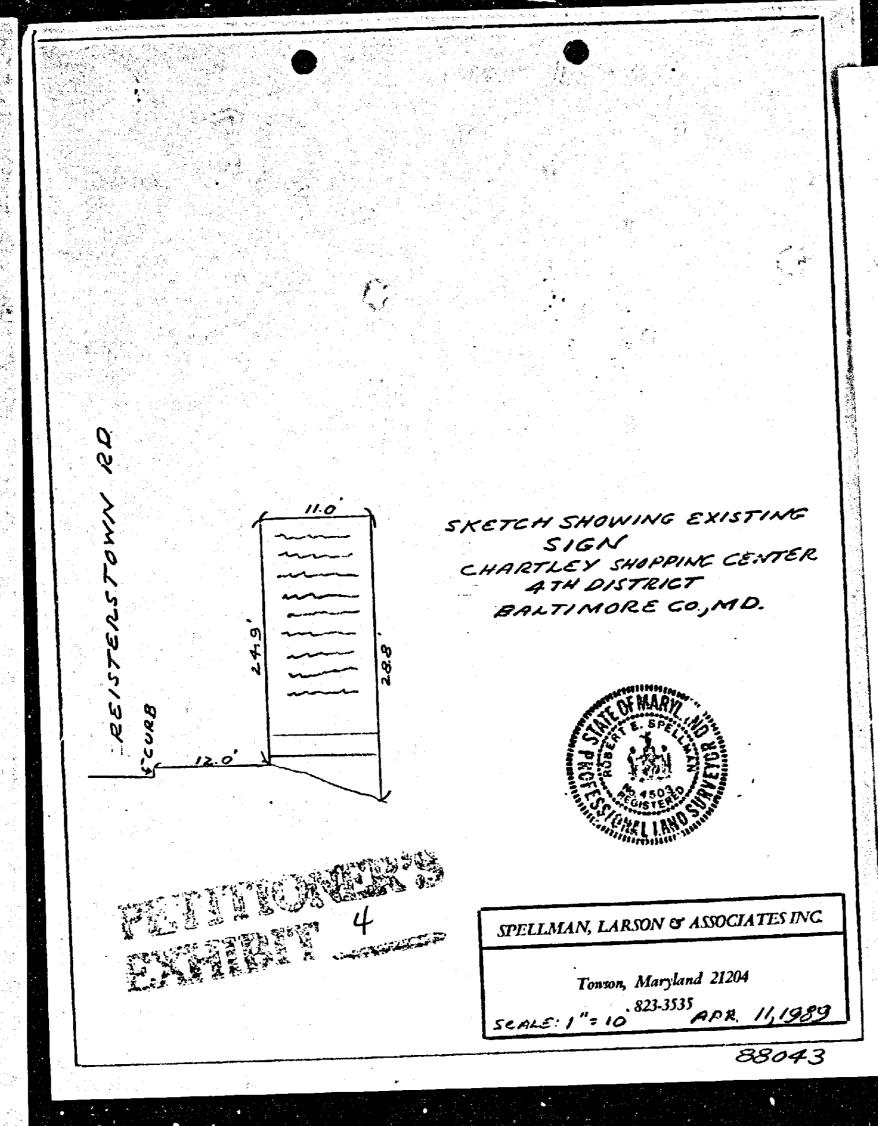
Petition for Zoning Variance LISE NUMBER: 89-404-A NE/S Reisterstown Road, 35' NW c/1 Chartley Blvd. 4th Election District - 3rd Councilmanic Petitioner(s): Chartley Limited Partnership HEARING SCHEDULED: FRIDAY, APRIL 14, 1989 at 9:30 a.m.

Variance to permit a sign of 576 sq. ft. total in lieu of 300 sq. ft. (288 sq. ft. per side).

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

Zoning Commissioner of Baltimore County

> Chartley Limited Partnership S. Eric DiNenna, Esq.



309

Tagain.

DINENNA, MANN & BRESCHI

AL ORNEYS AT LAW SUITE 600 S. ERIC DINENNA, P.A. MERCANTILE-TOWSON BUILDING JAMES L. MANN, JR., P.A. 409 WASHINGTON AVENUE GEORGE A. BRESCHI, P.A. TOWSON, MARYLAND 21204 GERALDINE A. KLAUBER

(301) 296-6820 TELEFAX (301) 296-6884

Januacy 18, 1989

Zoning Commissioner for Baltimore County County Office Building Towson, Maryland 21204

FRANCIS X. BORGERDING

RE: Chartley Shopping Center Variance Petition

Dear Mr. Commissioner:

Enclosed herewith please find the necessary petitions, plats and description, as well as my check in the amount of \$100.00 for the filing of the above-captioned matter.

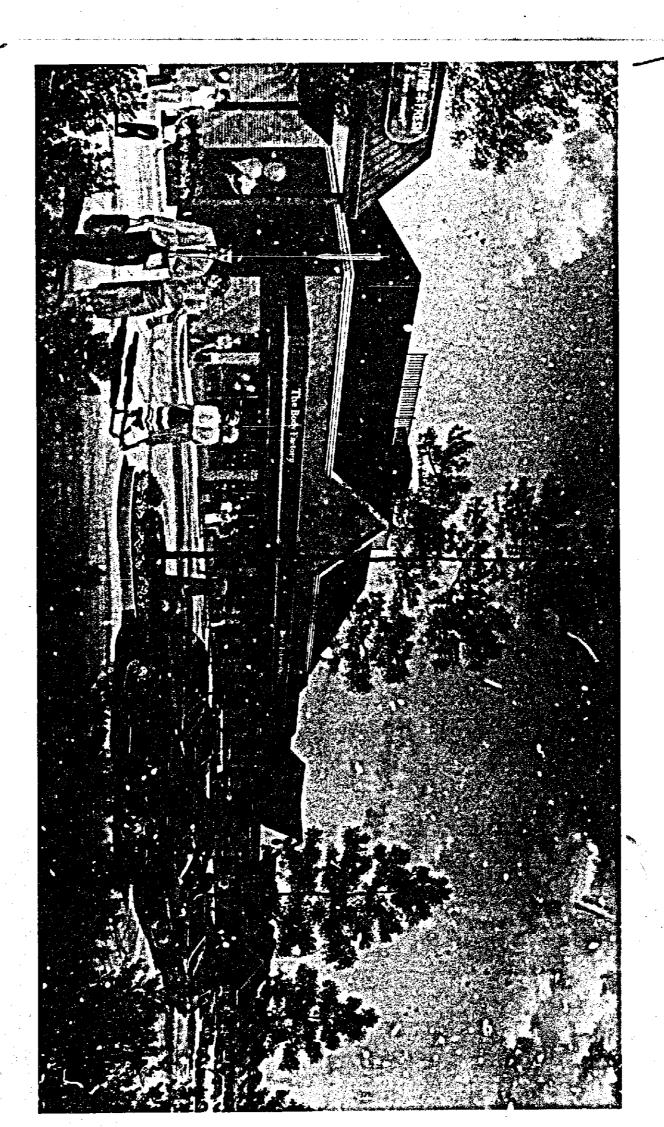
It is my understanding from Spellman, Larson & Associates, Inc. that this matter has been reviewed by your staff and should be acceptable for filing.

Enclosure

cc: Chartley Limited Partnership c/o Continental Realty Corp.

Date: 3/21/89 Chartley Limited Partnership c/o Continental Realty Corporation 17 West Pennsylvania Avenue Towson, Maryland 21204 Petition for Zoning Variance CASE NUMBER: 89-404-A NE/S Reisterstown Road, 35' La c/1 Chartley Blvd. 4th Election District - 3rd Councilmanic Petitioner(s): Chartley Limited Partnership
HEARING SCHEDULED: FRIDAY, APRIL 14, 1989 at 9:30 a.m. Please be advised that 70.43 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself. Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office it along with the sign(s) and post(s) to the Zoning Office, County Office it along with the sign(s) and post(s) to the Zoning Office it along with the sign(s) and post(s) to the Zoning Office it along with the sign(s) and post(s) to the Zoning Office it along with the sign(s) and post(s) to the Zoning Office it along with the sign(s) and post(s) to the Zoning Office it along with the sign(s) and post(s) to the Zoning Office it along with the sign(s) and post(s) to the Zoning Office it along with the sign(s) and post(s) to the Zoning Office it along with the sign(s) and post(s) to the Zoning Office it along with the sign(s) and post(s) to the Zoning Office it along with the sign(s) and post(s) to the Zoning Office it along with the sign(s) and post(s) to the Zoning Office it along the r each set not

i post set(s), there BALTI! ORE COUNTY, MARYLAND FFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT 1-01-615-000 4-14-89 AMOUNT\_\$ 70.43 PROMINED Charely Std. Part. Comes of PIA 4/14/89 Heavy 89-404-A poner of B B113\*\*\*\*\*70,63:a 617%F VALIDATION OR SIGNATURE OF CASHIER



89-404-A ZONING DEPARTMENT OF BALTIMORE COUNTY Towsen, Maryland

	An. 1 29 10 80
District 4 shr.	Date of Posting March 29, 1989
Posted for: Navance	t. J. Partonohin
Petitioner: Inartity ximus	ted Partnership stown Road, 35'NW C/L
chartey on host of sut	ject property. North last side
Reisterstown Road	1 0 0
Remarks:	
Posted by Signature	Date of return: April 7, 1989
Number of Signs:	
· ·	

CERTIFICATE OF PUBLICATION

TOWSON, MD., March 17 THIS IS TO CERTIFY, that the annexed advertisement wa published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of \_\_\_ successive weeks, the first publication appearing on March 16, 19 89.

THE JEFFERSONIAN,

5. Zehe Olm

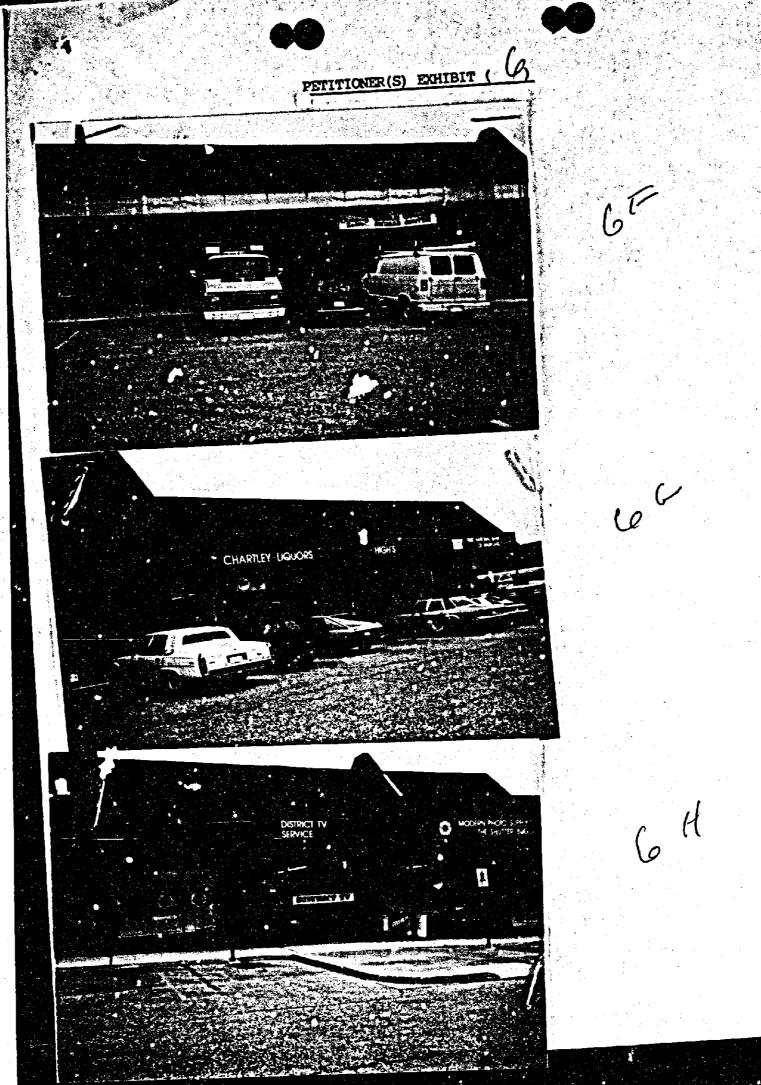
CERTIFICATE OF PUBLICATION

Pikesville, Md., March 1989 THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHWEST STAR, a weekly newspaper published in Pikesville, Baltimore County, Maryland before the \_\_\_\_\_day of March 19 P9 the first publication appearing on the

15th day of March . 19 59 the second publication appearing on the \_\_day of \_\_ the third publication appearing on the THE NORTHWEST STAR

Cost of Advertisement\_\$\frac{1}{3}.1\frac{1}{3}.

PETITIONER(S) EXHIBIT ( Q



Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
494-3554



Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, MD 21204

Dear Mr. Haines, The Bureau of Traffic Engineering has no comments for items number 290, 297, 298, 309, 310, 311, 315, 317, 319, 320, 321, & 323.

Very truly yours,

Muchael STlanger Michael S. Flanigan Traffic Engineer Assoc. II

## 89-404-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building 111 W. Chesapeake Avenu Towson, Maryland 21204

Your petition has been received and accepted for filing this 8th day of February , 1983.

Petitioner Chartisy Limited Partners Psceived by: 8. Eric DiNenna

Chairman, Zoning Plans Advisory Committee

## BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

S. Eric DiNenna, Esquire 409 Washington Avenue, Suite 600 Towson, MD 21204

RE: Item No. 309, Case No. 89-404-A
Petitioner: Chartley Limited Fartnership,

Dear Mr. DiNenna:

COLITY OFFICE BLDG. 111 W. Chesapeake Ave. Towson, Haryland 21204

Burrau of

Department of

Fire Prevention

Project Planning

Building Department

Board of Education

Industrial

Zoning Administration

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Petition for Zoning Variance

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVEANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

Zoning Plans Advisory Committee

JED:jw **Enclosures** 

cc: Chartley Limited Partnership C/O Continental Realty Corp. 17 West Pennsylvania Avenue Towsen, MD 21204



Maryland Department of Transportation State Highway Administration



Richard H. Trainor Hal Kassoff

Re: Baltimore County

Partnership

Chartley Limited

Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, Maryland 21204

Attn: Mr. James Dyer

N/E/S Reisterstown Road (MD 140) 35' N/W of Charley Boulevard (Item #309)

Zoning Meeting of 2-7-89

Dear Mr. Haines:

After reviewing the submittal for a variance to permit a sign of 576 square feet in lieu of 300 square feet, we offer the following comment.

This plan has been forwarded to our Highway Beautification Section, c/o Morris Stein (333-1642), for all comments relative

Very truly yours,

creston J. Mills, Jr., Chief Bureau of Engineering Access Permits

cc: Mr. M. Stein (w-attachment) Spellman, Larson & Assoc., Inc. Mr. J. Ogle

My telephone number is (301) 333-1350 Teletypowriter for impaired Hearing or Speech 383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toli Free 707 North Calvert St., Baitimore, Maryland 21203-0717



Maryland Department of Transportation State Highway Administration

February 9, 1989

Richard H. Trainor

Secretary

Hal Kassoff

Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, Maryland 21204

> Chartley Limited Partnership Item #309

Dear Mr. Haines:

The plans concerning the above subject have been reviewed, and also the location has been inspected by Mr. George Dawson, the Highway Beautification Inspector for the area.

This office has no objection to the placement of the signs at the given location as per plans submitted; however, the signs cannot overhang the State's Right-of-Way.

If you need further information, please do not hesitate to contact this office.

Sincerely,

marin Stien, mor

Morris Stein, Chief Highway Beautification Section

333-1640 Teletypewriter for impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5082 Statewide Toll Free
737 North Calvert St., Baltimore, Maryland 21203-0717

Baltimore County Fire Department Towson, Maryland 21204-2586 494-4500

Paul H. Reincke Chief

February 14, 1989

J. Robert Haines, Zoning Commissioner Office of Planning & Zoning Baltimore County Office Building Towson, Maryland 21204

Re: Property Owner: Chartley Limited Partnership

Location: NE/S of Reisterstown Road, 35' NW of centerline of Chartley Boulevard

Item No.: 309

Zoning Agenda: Meeting of February 7, 1989

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals or \_\_\_\_ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

( ) 2. A second means of vehicle access is required for the site.

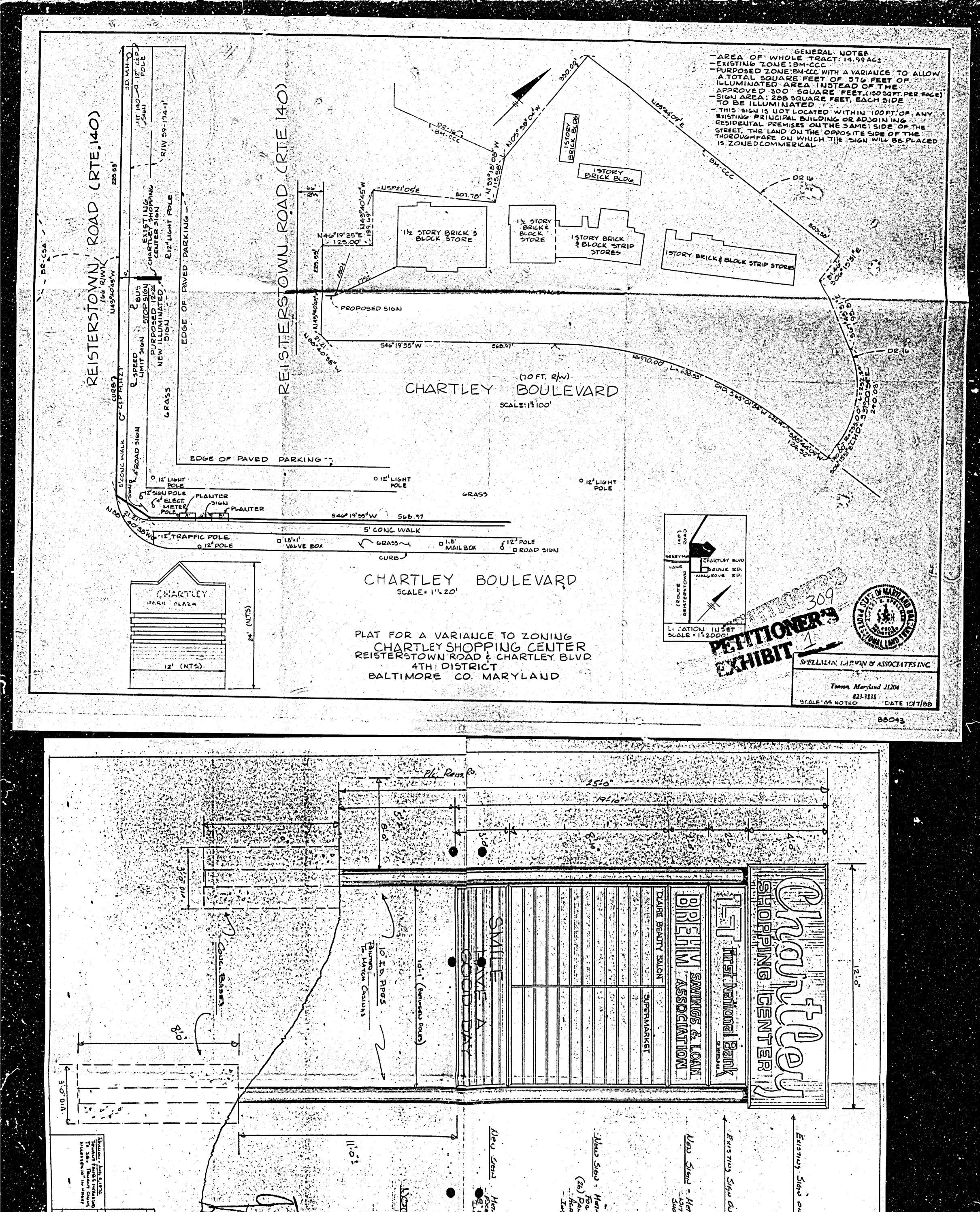
( ) 3. The vehicle dead end condition shown at \_ EXCEEDS the maximum allowed by the Fire Department.

( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

( ) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

( ) 6. Site plans are approved, as drawn.

(x) 7. The Fire Prevention Bureau has no comments at this time.



CHARTLEY SHOPPING

